

Message Text

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USIE-00 INRE-00 OMB-01 /051 R

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C O N F I D E N T I A L STATE 179510

MANILA FOR USDEL, CINCPAC ALSO FOR POLAD

E.O. 11652: GDS

TAGS: MARR, RP

SUBJECT: PHILIPPINE BASE NEGOTIATIONS: JOINT COMMITTEE

REF: MANILA 10215, USDEL 116

1. WE ARE PREPARED TO APPROVE IN PRINCIPLE THE JOINT
COMMISSION PROPOSED REFTL. NEVERTHELESS, WE WISH TO
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EMPHASIZE THE NECESSITY FOR CIRCUMSPECTION IN GRANTING SUCH

A BODY AUTHORITY OVER OPERATION OF OUR FACILITIES, OR MATTERS WHICH CLEARLY SHOULD BE WITHIN THE COGNIZANCE OF THE MUTUAL DEFENSE BOARD. OUR COMMENTS BELOW FLOW FROM THREE PRINCIPLES.

A. WE WANT TO ADHERE AS CLOSELY AS POSSIBLE TO THE JAPANESE MODEL. IT DESIGNATES QUOTE A REPRESENTATIVE OF THE GOVT OF THE UNITED STATES UNQUOTE AND, WITH THE DCM AS THE DESIGNATED REPRESENTATIVE, HAS PROVEN SUCCESSFUL OVER MANY YEARS.

B. THE AMBASSADOR, AS THE LOGICAL QUOTE DEPUTY UNQUOTE REPRESENTATIVE OF THE COUNCIL OF MINISTERS (MDT ARTICLE II) SHOULD BE THE SOURCE OF APPEAL FROM THE JOINT COMMISSION RATHER THAN SERVE AS ITS CHIEF; REALIZING THAT THIS MAY BE SOMEWHAT LESS ATTRACTIVE TO PHILS WE HAVE CONCLUDED ON BALANCE THAT IT WOULD BETTER SERVE OUR INTERESTS TO RESERVE THE AMBASSADOR'S AUTHORITY AS CLEARLY SUPERIOR TO THAT OF THE JOINT COMMISSION RATHER THAN RISK DILUTION BY SPECIFIED DIRECT PARTICIPATION.

C. WE MUST SEEK SPECIFIED PERMANENT MILITARY REPRESENTATION ON BOTH SIDES. THIS IS ESSENTIAL BECAUSE THE COMMITTEE WILL BE DEALING WITH PROBLEMS THAT DIRECTLY AFFECT THE ADMINISTRATIVE FUNCTIONS OF THE MILITARY COMMANDERS. FOLLOWING COMMENTS ARE REFLECTED IN APPROVED ARTICLE PARA 9 BELOW.

2. IN MOST SOFAS THE ORGAN BEING CREATED IS LABELED A JOINT COMMITTEE. UNLESS USDEL OR PHILS HAVE A DISTINCT PREFERENCE FOR LABEL QUOTE COMMISSION UNQUOTE, OUR PREFERENCE IS QUOTE COMMITTEE UNQUOTE, TO CONFORM TO NOMENCLATURE OF SIMILAR BODIES ELSEWHERE.

3. PARA 1 OF YOUR DRAFT ARTICLE HAS BEEN SLIGHTLY RECAST. MAJOR DELETION IS WORD QUOTE OPERATION UNQUOTE IN ORDER TO ACCOMMODATE CONCERNS STATED PARA 1 ABOVE. WE THINK QUOTE IMPLEMENTATION UNQUOTE IS BROAD ENOUGH AND USE OF TERM QUOTE OPERATION UNQUOTE MIGHT IMPINGE ON FUNCTIONS OF MDB.

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4. THERE ARE PROBLEMS WITH YOUR PARA 2 OF THE DRAFT ARTICLE. TEXT OF MESSAGE INDICATES YOU WANT CO-CHAIRMAN TO BE DESIGNATED AS QUOTE PERMANENT REPRESENTATIVES UNQUOTE. PARA 2 OF THE DRAFT ARTICLE, HOWEVER, GIVES THE IMPRESSION THAT THE CO-CHAIRMAN WOULD ALSO BE PERMANENT REPRESENTATIVES TO THE COUNCIL OF MINISTERS. A SECOND PROBLEM INVOLVES THE ABSENCE OF MILITARY REPRESENTATION, AND WE WISH TO RESOLVE IT BY HAVING A DEPUTY OR AN ALTERNATE IN

ORDER TO ALLOW FOR COMMAND PARTICIPATION. AS NOTED PARA 1 ABOVE, WE BELIEVE THAT THE POSITION OF AMBASSADOR SHOULD BE KEPT FREE FOR FRESH CONSIDERATION OF ISSUES UNRESOLVED BY THE COMMITTEE. IN THIS REGARD, OUR DRAFT BELOW SPECIFIES "A DIPLOMATIC OFFICER" AS REPRESENTATIVE.

5. THERE IS NO CHANGE TO PARA 3 OF THE DRAFT ARTICLE EXCEPT TO REDESIGNATE PROPOSED COMMITTEES AS SUBCOMMITTEES TO TRACK WITH OUR PREFERENCE NOTED PARA 2 ABOVE.

6. IN PARA 5 OF DRAFT ARTICLE WE HAVE DELETED THE PHRASE QUOTE AS MAY BE ESTABLISHED BY AGREED POLICIES AND PROCEDURES UNQUOTE SINCE IT WAS NOT CLEAR WHETHER THAT PHRASE QUALIFIED THE COMMITTEE'S COMPETENCE OR ITS DECISION-MAKING ABILITY AND WAS UNNECESSARY IN EITHER CASE. WE HAVE ALSO INCLUDED DIRECTIONS AS TO WHAT HAPPENS TO UNRESOLVED ISSUES.

7. PARAS 4, 6 AND 7 OF DRAFT ARTICLE CONTAIN ONLY TRACKING CHANGES.

8. PARA 8 OF DRAFT ARTICLE HAS BEEN DELETED AS UNNECESSARY AND PARA 9 SHOULD THUS BE RENUMBERED. THERE IS A TRACKING CHANGE SUGGESTED FOR THAT PARA.

9. TEXT FOLLOWS QUOTE

1. UNDER THE COUNCIL OF MINISTERS WHICH HAS BEEN CREATED PURSUANT TO THE MUTUAL DEFENSE TREATY OF AUGUST 30, 1951, THERE IS ESTABLISHED A JOINT COMMITTEE TO OVERSEE AND FACILITATE CONSULTATION AND COOPERATION BETWEEN APPROPRIATE PHILIPPINE AND UNITED STATES AUTHORITIES ON MATTERS OF MUTUAL CONCERN REGARDING THE IMPLEMENTATION OF THIS

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AGREEMENT INCLUDING THE RESOLUTION, WHERE POSSIBLE, OF ISSUES OR PROBLEMS THAT MIGHT ARISE.

2. THE JOINT COMMITTEE WILL BE COMPOSED OF FOUR REPRESENTATIVES:

A. FOR THE PHILIPPINES, TWO REPRESENTATIVES; AS CO-CHAIRMAN, A DIPLOMATIC OFFICER (PRINCIPAL OR ALTERNATE); AS DEPUTY, A MILITARY OFFICER (PRINCIPAL OR ALTERNATE).

B. FOR THE UNITED STATES, TWO REPRESENTATIVES; AS CO-CHAIRMAN, A DIPLOMATIC OFFICER (DCM OR ALTERNATE); AS DEPUTY, A MILITARY OFFICER (PRINCIPAL OR ALTERNATE).

3. THE FOLLOWING SUBCOMMITTEES WILL FUNCTION UNDER THE

JOINT COMMITTEE:

A. ADMINISTRATION SUBCOMMITTEE.

B. METES AND BOUNDS SUBCOMMITTEE.

C. LEGAL AFFAIRS SUBCOMMITTEE.

D. CRIMINAL JURISDICTION IMPLEMENTATION SUBCOMMITTEE.

THE JOINT COMMITTEE MAY ESTABLISH SUCH OTHER SUBCOMMITTEES OR REORGANIZE THE ABOVE SUBCOMMITTEES AS MAY BE APPROPRIATE FOR THE DISCHARGE OF ITS RESPONSIBILITIES. THE TERMS OF REFERENCE OF ALL SUBCOMMITTEES ARE SUBJECT TO THE APPROVAL OF THE JOINT COMMITTEE.

4. THE JOINT COMMITTEE SHALL REPORT TO THE COUNCIL OF MINISTERS ON ITS ACTIVITIES ON A SEMI-ANNUAL BASIS, AND IN ALL CASES WHEN THE IMPORTANCE OF THE MATTER SO INDICATES. IT WILL MEET AT THE CALL OF EITHER CO-CHAIRMAN, BUT IN ANY EVENT REGULAR MEETINGS WILL BE HELD AT LEAST QUARTERLY. ALL MEETINGS OF THE JOINT COMMITTEE WILL BE HELD IN EXECUTIVE SESSION. THE RELEASE OF INFORMATION CONCERNING DECISIONS OR ACTIVITIES OF THE JOINT COMMITTEE SHALL BE AGREED UPON BY THE REPRESENTATIVES.

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5. THE JOINT COMMITTEE SHALL, BY AGREEMENT BETWEEN THE REPRESENTATIVES, DECIDE ON MATTERS WITHIN ITS COMPETENCY. IF THE JOINT COMMITTEE IS UNABLE TO RESOLVE ANY MATTER, IT SHALL REFER THAT MATTER TO THE COUNCIL OF MINISTERS FOR FURTHER CONSIDERATION.

6. A PERMANENT SECRETARIAT OF THE JOINT COMMITTEE, COMPOSED OF SUCH PHILIPPINE AND UNITED STATES PERSONNEL AS MAY BE AGREED UPON BY THE JOINT COMMITTEE, WILL PERFORM SUCH SPECIFIC DUTIES AS MAY BE DIRECTED BY THE JOINT COMMITTEE. THE PROVISION OF NECESSARY CLERICAL AND ADMINISTRATIVE SUPPORT SHALL BE ARRANGED BY THE JOINT COMMITTEE. THE PHILIPPINE GOVT WILL PROVIDE SUITABLE OFFICES FOR THE JOINT COMMITTEE. ALL OTHER EXPENSES WILL BE SHARED JOINTLY.

7. THE PERMANENT SECRETARIAT OF THE JOINT COMMITTEE SHALL BE CHARGED WITH THE DAILY HANDLING OF ROUTINE MATTERS, AND THE PREPARATION OF THOSE MATTERS WHICH MUST BE SUBMITTED TO THE JOINT COMMITTEE FOR CONSIDERATION.

8. THE JOINT COMMITTEE WILL HAVE ITS HEADQUARTERS IN

MANILA, BUT MAY HOLD MEETINGS IN OTHER PLACES AT THE
REQUEST OF EITHER CO-CHAIRMAN, SUCH PLACES TO BE
DETERMINED BY MUTUAL AGREEMENT. END QUOTE.

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